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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,053	11/18/2003	Diego Kaplan		4268
32968	7590	10/28/2005		
KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289				
			EXAMINER BANGACHON, WILLIAM L	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,053

Applicant(s)

KAPLAN, DIEGO

Examiner

William Bangachon

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Examiner's comments.

DETAILED ACTION

Examiner's Response

1. In response to the application filed 11/18/2003, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-16 are unpatentable for the reasons set forth in this Office action:

Information Disclosure Statement

2. Although a Related Art section is disclosed in this application, it is noted that there is no PTO 1449 submitted with this application.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **"camera device"** recited in claims 5 and 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character **"40"** has been used to designate both **"remote control access point"** and **"wireless communication network"**.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The microprocessor, persistent storage area, volatile storage area, and communication means lack the necessary structural and/or functional relationship.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,686,838 (Rezvani et al).

In claims 1, 15 and 16, Rezvani et al teach of a system (10) shown in figure 1, for providing remote control and operation of a wireless communication device (14, 28), the system comprising:

a remote control access point (14, 17), configured to initiate a data call to a wireless communication device over a wireless communication network (16, 23) {col. 4, lines 34-56}. The remote site (14) is a master controller (master remote control access point) {col. 6, lines 28-36} whereas the remote user access device (17) may operate independently {col. 7, lines 48+}. Also see col. 8, lines 59-65;

a wireless communication device (14, 28) having a data storage area (database) and a plurality of remote control programs {col. 7, lines 61-67}, the wireless communication device configured to establish a data call with a remote control access point over a wireless communication network (16, 23) {col. 2, lines 5+; col. 7, lines 34+; col. 13, lines 13-23}. The remote site (14) is both a remote access point and a wireless communication device. In this case, the remote site (14) is a master and monitoring module (28) is a slave {col. 6, lines 37-53};

Although Rezvani do not disclose expressly "an authentication program is one of the plurality of remote control programs, the authentication program configured to validate a remote control request received via an established data call from the remote control access point", it would have been obvious to one of ordinary skill in the art to have an authentication program in the system of Rezvani because Rezvani teaches or verifying passwords and performing security measures. See col. 12, lines 20-27; paragraph bridging cols. 15 and 16.

In claim 2, the remote control access point (17) is a customer service workstation integral to the wireless communication network (16) as shown in figure 1 {col. 6, lines 28-36}.

In claim 3, the remote control access point is communicatively coupled with the wireless communication network (16) via the Internet (23) {col. 7, lines 34-47}.

In claim 4, the remote control access point (14) is a wireless communication device.

In claim 5, the wireless communication device (28) is communicatively coupled with a camera device (34) and wherein a camera control program is one of the plurality of remote control programs, the camera control program configured to provide remote control of the camera device {col. 8, lines 1-58}.

Claim 6 recites a method for practicing the system of claim 1 and shown in figure 13.

In claim 7, Rezvani do not disclose expressly "video conferencing" between the wireless communication device and remote access point. However, it would have been obvious to one of ordinary skill in the art that by adding a microphone, instead of a pager to the system of Rezvani, as shown in figure 10, would give the system of Rezvani the ability to videoconference. Further, the radio (36) may be used to send and receive voice data setup in a user's notification preferences {col. 8, lines 42-51}.

In claims 8 and 9, the camera is instructed to capture an image and send it to a remote location {col. 8, lines 16-23}.

Claim 10 recite a method for practicing the system of claim 2 and therefore rejected for the same reasons.

Claim 11 recite a method for practicing the system of claim 3 and therefore rejected for the same reasons.

Claim 12 recite a method for practicing the system of claim 4 and therefore rejected for the same reasons.

Claims 13 and 14 recite the limitations of claims 6 and 7 and therefore rejected for the same reasons.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,608,841 (Koodli) is cited in that it teach of a robust wireless video conferencing system in the presence of unreliable networks. See whole document.

USP 5,898,386 (Kaihatsu) is cited in that it teach of remotely controlling a camera. See whole document.

Office Contact Information

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/10.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon
Examiner
Art Unit 2635

October 21, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

